

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	Case No. 21 Misc. 824 (GHW)(GWG)
IN RE: APPLICATION OF JSC BTA BANK :	
FOR AN ORDER TO CONDUCT DISCOVERY :	<b>DECLARATION OF</b>
FOR USE IN A FOREIGN PROCEEDING :	<b>ANDREW T. SOLOMON</b>
-----X	

Andrew T. Solomon, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a partner of Solomon & Cramer LLP, attorneys Ilyas Khrapunov in the above-entitled action. I am familiar with all of the facts and circumstances in this action.

2. I make this declaration in support of Mr. Khrapunov's objection to the December 17, 2021 Opinion and Order rendered by Hon. Gabriel W. Gorenstein, U.S.M.J. [Dkt 16], pursuant to Fed. R. Civ. P. Rule 72(a) and 28 U.S.C. § 636(b)(1)(A).

3. A true copy of *Khazakhstan*, HUMAN RIGHTS WATCH, <https://www.hrw.org/europe/central-asia/kazakhstan>, last visited on January 4, 2022, is attached hereto as Exhibit A.

4. A true copy of Ayan Kalmurat, *They Would Hang Me by The Arms: Hundreds of Letters From Kazakh Prisons Describe Alleged Torture*, RADIO FREE EUROPE RADIO LIBERTY (July 22, 2021) <https://www.rferl.org/a/kazakhstan-prison-torture-letters/31372148.html>, is attached hereto as Exhibit B

5. A true copy of *Khazakhstan 2020*, AMNESTY INTERNATIONAL, <https://www.amnesty.org/en/location/europe-and-central-asia/kazakhstan/report-kazakhstan/>, last visited on January 4, 2022, is attached as Exhibit C.

6. A true copy of Adam Hug, *Retreating Rights – Khazakhstan: Introduction*, THE FOREIGN POLICY CENTER (July 22, 2021), <https://fpc.org.uk/retreating-rights-kazakhstan-introduction/>, is attached as Ex. D.

7. A true copy of the Twelfth Witness Statement of Mukhtar Ablyazov, dated November 25, 2010, is attached as Exhibit E.

8. A true copy of Casey Michael, *Why Kazakhstan Goes to Court in the United States*, THE DIPLOMAT (Feb. 7, 2017), <https://thediplomat.com/2017/02/why-kazakhstan-goes-to-court-in-the-united-states/>, is attached as Exhibit F.

9. A true copy of Paolo Sorbello, *Italian Policeman Sentenced for Kidnapping Kazakh Ex-Banker's Family*, THE DIPLOMAT (Oct. 19, 2020), <https://thediplomat.com/2020/10/italian-policemen-sentenced-for-kidnapping-kazakh-ex-bankers-family/>, is attached as Exhibit G.

10. A true copy of the September 29, 2020 Order of the National Court of Asylum (French Republic), <https://en.odfoundation.eu/content/uploads/2020/10/court-decision-ablyazov-mukhtar-english-final.pdf>, attached as Ex. H

11. A true copy of *Study, Misuse of Interpol's Red Notices and impact on human rights - recent developments* (January 2019) POLICY DEPARTMENT FOR EXTERNAL RELATIONS, EUROPEAN PARLIAMENT, <https://www.statewatch.org/media/documents/news/2019/feb/ep-study-interpol-red-notices.pdf.pdf>, is attached as Exhibit I.

12. A true copy of Andrew Higgins, Jane Bradley, Isobel Koshiw, and Franz Wild, “*The Power of Money: How Autocrats Use London to Strike Foes Worldwide*” (New York Times, June 28, 2021) is attached as Exhibit J.

13. A true copy of the March 19, 2013 judgment entered in *JSC BTA Bank v. Ablyazov*, Neutral Citation Number [2013] EWHC 510 (Comm.), High Court of Justice, Queen's Bench Division, Commercial Court (Teare, Justice), <http://www.bailii.org/ew/cases/EWHC/Comm/2013/510.html#para42>, is attached Exhibit K.

14. True copies of a letter from Mr. Khrapunov's Swiss law firm, Bianchischwald, describing proceedings in the Swiss Courts relating to BTA's U.K. judgment. Exhibit L.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of January 2022.

/s/Andrew T. Solomon

Andrew T. Solomon